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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2010-61

12 NIMFA C. MOLINA
12834 Eastbrook Ave.
13 Downey, CA 90242

A C C U S A T I O N

14 Registered Nurse License No. 451501

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation
20 solely in her official capacity as the Interim Executive Officer of the Board of Registered
21 Nursing ("Board"), Department of Consumer Affairs.

22 2. On or about March 31, 1990, the Board issued Registered Nurse License
23 Number 451501 to Nimfa C. Molina ("Respondent"). Respondent's registered nurse license was
24 in full force and effect at all times relevant to the charges brought herein and will expire on
25 January 31, 2010, unless renewed.

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7. Code section 2835 states:

No person shall advertise or hold himself out as a “nurse practitioner” who is not a nurse licensed under this chapter and does not, in addition, meet the standards for a nurse practitioner established by the board.

8. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022. . .

9. Bus. & Prof. Code section 4022 states:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a -----," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

10. California Code of Regulations, title 16, section (“Regulation”) 1443

states:

As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

COST RECOVERY

11. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Incompetence)**

3 12. Between approximately December 14, 2005, and March 22, 2006,
4 Respondent was employed as a registered nurse in the Department of Pediatrics ("DOP") at
5 King/Drew Medical Center ("KDMC") in Los Angeles, California.

6 13. Respondent is subject to disciplinary action pursuant to Code section
7 2761, subdivision (a)(1), on the grounds of unprofessional conduct in that between
8 approximately December 14, 2005, and March 22, 2006, while on duty as a registered nurse,
9 Respondent engaged in acts of incompetence, within the meaning of Regulation 1443, as

10 follows: a. Respondent acted in a capacity for which licensure as a nurse
11 practitioner is required in the care of patients at least eight (8) patients. Respondent's conduct
12 included, but was not limited to, taking the patient's complete medical histories, performing
13 physical exams, and diagnosing and treating the patients.

14 b. In the medical records of patients identified by the following case
15 numbers: 2743539, 002631002, 2536510, 2658457, 2436235, 2467345, 2367416 & 2597165,
16 Respondent signed medical documents and followed her signature with the title "NP", indicating
17 that she was licensed as a nurse practitioner when, in fact, she was not licensed as a nurse
18 practitioner.

19 c. Respondent ordered and/or prescribed dangerous drugs to patients
20 identified by the following case numbers: 2743539, 002631002, 2536510, 2658457, 2436235,
21 2467345, 2367416 & 2597165, when she was not licensed and/or registered to do so.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct)**


24 14. Respondent is subject to disciplinary action pursuant to Code section
25 2761, subdivision (a), in that between approximately December 14, 2005, and March 22, 2006,
26 while on duty as a registered nurse in the DOP at KDMC, Respondent committed acts
27 constituting unprofessional conduct, as set forth above in paragraph 13.

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3. Taking such other and further action as deemed necessary and proper.

DATED: 8/5/09


LOUISE R. BAILEY, M.Ed., RN,
Interim Executive Director
Board of Registered Nursing
State of California
Complainant

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clp: 4/14/09
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